

FILED

**United States District Court**

NOV 6 2006

MIDDLE

DISTRICT OF

ALABAMA

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

v.

BRIAN STANYARD

**CRIMINAL COMPLAINT**

CASE NUMBER: 1:06mj123-DRB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 1, 2006, in Houston county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

**knowingly and intentionally possess with intent to distribute  
50 grams or more of crack cocaine, a Schedule II Controlled Substance,**

in violation of Title 21 United States Code, Section(s) 841(a)(1) I further state that I am a(n)

Drug Enforcement Administration, Special Agent and that this complaint is based on the following facts:  
Official Title

SEE THE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

[Signature]  
Signature of Complainant

Sworn to before me and subscribed in my presence,

November 6, 2006

Date

at Montgomery, Alabama

City and State

Delores R. Boyd, U.S. Magistrate Judge

Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

**AFFIDAVIT**

I, Devin L. Whittle, Special Agent of the United States Department of Justice, Drug Enforcement Administration (DEA) being duly sworn, depose and state as follows:

1. Your affiant is a Special Agent with the Drug Enforcement Administration (DEA). I am an investigator or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, in that I am empowered by law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. I am currently employed with the United States Drug Enforcement Administration (DEA), and have been so employed for the past eleven (11) years. I am currently assigned to the New Orleans Division, the Montgomery District Office. Prior to becoming a Special Agent, I was a Montgomery, Alabama, Police Officer for eight (8) years. I have worked exclusively on narcotics investigations for sixteen (16) years. I have investigated criminal violations of the Federal controlled substance laws, including, but not limited to, investigations involving smuggling of controlled substances, distribution of controlled substances in violation of Title 21, United States Code,

Section 841; and laundering of the proceeds derived from the sale of controlled substances. This affidavit is submitted for the purpose of establishing probable cause for a complaint against Brian Travanti STANYARD. Information contained in this affidavit was received by me from oral and written reports about this investigation that I have received, directly or indirectly from Investigators/Detectives who were involved in this investigation.

3. On November 1, 2006, at approximately 8:00 p.m., Investigator Joe Cochran of the Dothan, Alabama Police Department observed a known drug user driving a Gold Chevrolet Blazer. Investigator Cochran knew that the individual had previously been arrested for possession of crack cocaine. Investigators Cochran, Parrish and Arnold initiated surveillance on the Gold Chevrolet Blazer that contained one white male driver.

4. At approximately 8:30 p.m., Investigators Cochran, Parrish and Arnold observed the Gold Chevrolet enter Fieldcrest apartment complex from South Oates Street in Dothan, Alabama. The Investigators observed the vehicle stop in front of Apartment #107. The investigators further observed a large heavy set black male approach the Gold Chevrolet Blazer. In addition, the investigators recognized the heavy set black male as being Brian

STANYARD. The investigators knew Brian STANYARD to be a crack cocaine dealer in the Dothan, Alabama area. As Investigator Cochran approached STANYARD and the Gold Chevrolet Blazer on foot, he observed a hand rolled cigar behind STANYARD'S left ear. Based on Investigator Cochran's training and experience he believed the cigar contained marijuana. Investigator Cochran further investigated the hand rolled cigar and determined that it did contain marijuana.

5. Investigator Cochran arrested Brian STANYARD for Possession of Marijuana 2<sup>nd</sup>. As Investigator Cochran was completing an arrest report on STANYARD, he questioned STANYARD regarding his address. STANYARD was evasive with his answers regarding his address. STANYARD stated that he lived with his mother on Shirley Street in Dothan, Alabama. Investigators knew that STANYARD was not telling the truth about where he lived. STANYARD then stated that he came to the apartments to visit his aunt who was not at home. STANYARD further stated that he had left his vehicle at the apartment complex earlier on the same day and had rode back to the apartment complex with the white male in the Gold Chevrolet Blazer. Investigator Cochran knew STANYARD was not telling the truth because he and other Investigators had conducted surveillance on the Gold Chevrolet Blazer that contained a lone white male as described in paragraph #3. Investigators later located Brian STANYARD'S Gray

Chevrolet Caprice in the parking lot of the apartment complex. Investigator Cochran called for a K-9 Officer to investigate the vehicle. The K-9 sniffed the vehicle and gave a positive alert of the presence of drugs on the driver's door of the vehicle. Investigators gained access to the vehicle and found nothing of evidentiary value.

6. At approximately 9:00 p.m., Cpl. Will Thompson of the Dothan, Alabama Police Department arrived at Fieldcrest apartment and made contact with the manager of the apartment complex. The manager stated that she was familiar with Brian STANYARD. The manager advised investigators that Brian STANYARD and Karmen Smith were on a lease for apartment #107 at Fieldcrest Apartments in Dothan, Alabama. Investigators approached apartment #107 and made contact with Karmen Smith. Smith told investigators that Brian STANYARD is her boyfriend and they have two children together. Smith further stated that she and STANYARD had lived in apartment #107 for approximately two years. Investigators advised Smith that STANYARD had been arrested for drug possession. Investigators asked Smith if STANYARD had any drugs inside of her apartment. Smith responded that if there were any drugs in the apartment she did not know about it. Investigators asked Karmen Smith for consent to search the apartment. Smith signed a consent to search form for the investigators at approximately 9: 10 p.m.

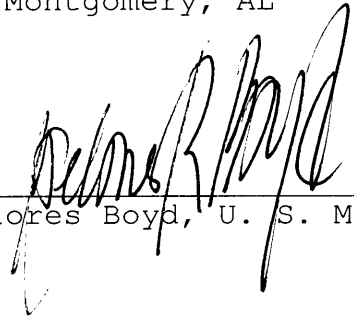
7. During the search of apartment #107 at Fieldcrest apartments in Dothan, Alabama, Investigators located ten plastic bags containing approximately seven ounces of suspected crack cocaine in the master bedroom closet. In addition, Investigators located a Norinco SKS assault rifle in the same closet. Investigators also located a small amount of suspected marijuana.

8. On November 2, 2006, your affiant received the approximately seven ounces of crack cocaine from Investigator Joe Cochran. Your affiant conducted a field test on the suspected crack cocaine and the test was positive for the presence of cocaine. The suspected crack cocaine will be subsequently submitted to the DEA laboratory in Dallas, Texas for analysis.

DEA SPECIAL AGENT DEVIN WHITTLE



Sworn to and subscribed before me  
this 6<sup>th</sup> day of November, 2006  
at Montgomery, AL



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Delores Boyd, U. S. Magistrate Judge